

RECEIVED
CENTRAL FAX CENTER

JUL 05 2006

Appl. No.: 10/090,888
Reply to Office Action of: 04/05/2006REMARKS

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Nami (US 6,832,039). Claims 38-40 were rejected under 35 U.S.C. §102(e) as being anticipated by Westermann (US 6,549,633). Claims 1, 3-4 and 6-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miyahara (US 5,610,988). The examiner is requested to reconsider these rejections.

Claim 2 has been converted from dependent form into independent form. This change in form does not narrow or limit the scope of the claim. The independent claim which claim 2 was formerly dependent upon has not been cancelled. Therefore, the full scope of the doctrine of equivalents should apply to claim 2 as if it was originally presented in independent form when the application was filed. In view of paragraph 7 of the office action, claim 2 should be in condition for allowance.

Claim 1 has been amended to clarify applicants' invention. Claim 1 claims that the entertainment sound generating system comprises means for automatically altering the entertainment sound signals from the sound generator based upon a signal automatically transmitted by the signal transmitter to the receiver, wherein the entertainment sound generating system comprises a player adapted to play the entertainment data. This combination of features is not disclosed or suggested in the art of record. Although Westermann appear to disclose automatic transmission, there is no suggestion (except after reading applicants' patent application) of combining the

Appl. No.: 10/090,888
Reply to Office Action of: 04/05/2006

teachings of Westermann with the other cited art. It should be noted that nowhere in Miyahara is there a disclosure or suggestion of the remote control 20 comprising a player adapted to play the entertainment data as recited in claim 1. Claim 1 is patentable and should be allowed.

Though dependent claims 3, 4, 6-14 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

Claim 38 has been amended to clarify applicants' claimed invention. Claim 38 claims that the sound generating system is not adapted to be entirely carried by the user. Support for this limitation can be found at page 13, line 30 - page 14, line 2 for example. Nowhere in Westermann is there a disclosure of the features being used in other than two hearing aids (one for the right ear and one for the left ear). The features of claim 38 are not disclosed or suggested in the art of record. Therefore, claim 38 is patentable and should be allowed.

Though dependent claims 39-40 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 38. However, to expedite prosecution at this time, no further comment will be made.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record.

JUL. 5. 2006 5:11PM

HARRINGTON & SMITH

RECEIVED
CENTRAL FAX CENTER

NO. 208

P. 12

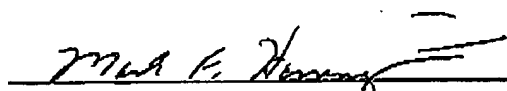
JUL 05 2006

Appl. No.: 10/090,888

Reply to Office Action of: 04/05/2006

Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,


Mark F. Harrington (Reg. No. 31,686)

7/5/06
Date

Customer No.: 29683
Harrington & Smith, LLP
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

7/5/06
Date


Name of Person Making Deposit